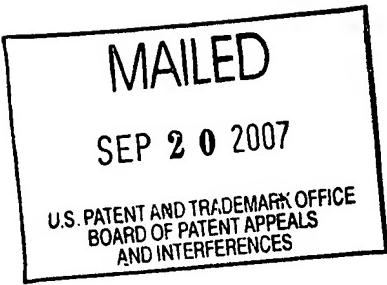


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte HOWARD JASON HARRISON
and DANA ALISON HARRISON

Application No. 10/774,616

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on June 12, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Examiner's Answer was mailed on March 9, 2006. The Evidence Relied Upon section, page 3, states that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that prior art was applied to the Rejections on appeal. See the Grounds of Rejection on page 3 of the

Examiner's Answer. The Manual of Patent Examining Procedure, (MPEP), in §1207.02 states:

(8) *Evidence Relied Upon.* A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

Also, the Examiner's Answer mailed March 9, 2006 is defective because it is missing the information explaining the rejection of claims 1-2, 6-8 under 35 U.S.C. 102(b).

MPEP 1207.02 states in part:

(9) *Grounds of Rejection.* For each ground of rejection maintained by the examiner and each new ground of rejection (if any), an explanation of the ground of rejection.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) vacate the Examiner's Answer mailed March 9, 2006, and mail a Supplemental Examiner's Answer including the missing reference(s) listed under the Evidence Relied Upon, heading (8) and the missing information involving claims 1-2, 6-8 and 12 under the heading (9) Grounds of Rejection of the Examiner's Answer; and

2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: Patrick J. Nolan
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PJN/gjh

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